

SENATE BILL 873

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2004 Regular Session
4r2997
CF 4r2996

By: **Senator Hollinger**

Introduced and read first time: February 23, 2004

Assigned to: Rules

Re-referred to: Finance, February 27, 2004

Re-referred to: Education, Health, and Environmental Affairs, March 3, 2004

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 22, 2004

CHAPTER _____

1 AN ACT concerning

2 **Mental Health - Emergency Evaluation - Psychiatric Nurses**

3 FOR the purpose of authorizing clinical nurse specialists in psychiatric and mental
4 health nursing and psychiatric nurse practitioners to file and present a petition
5 for an emergency evaluation of an individual; requiring certain individuals to
6 include a certain license number on certain petitions; and generally relating to
7 emergency evaluations by psychiatric nurses.

8 BY repealing and reenacting, with amendments,
9 Article - Health - General
10 Section 10-620, 10-622, 10-623, and 10-624(a)
11 Annotated Code of Maryland
12 (2000 Replacement Volume and 2003 Supplement)

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
14 MARYLAND, That the Laws of Maryland read as follows:

15 **Article - Health - General**

16 10-620.

17 (a) In Part IV of this subtitle the following words have the meanings
18 indicated.

19 (b) "Court" means a district or circuit court of this State.

1 (c) "Emergency evaluatee" means an individual for whom an emergency
2 evaluation is sought or made under Part IV of this subtitle.

3 (d) (1) "Emergency facility" means a facility that the Department
4 designates, in writing, as an emergency facility.

5 (2) "Emergency facility" includes a licensed general hospital that has an
6 emergency room, unless the Department, after consultation with the health officer,
7 exempts the hospital.

8 (e) (1) "Mental disorder" means the behavioral or other symptoms that
9 indicate:

10 (i) To a lay petitioner who is submitting an emergency petition, a
11 clear disturbance in the mental functioning of another individual; and

12 (ii) To [a physician, psychologist, clinical social worker, or a
13 licensed clinical professional counselor] **THE FOLLOWING HEALTH PROFESSIONALS**
14 doing an examination, at least one mental disorder that is described in the version of
15 the American Psychiatric Association's "Diagnostic and Statistical Manual - Mental
16 Disorders" that is current at the time of the examination:

- 17 1. PHYSICIAN;
- 18 2. PSYCHOLOGIST;
- 19 3. CLINICAL SOCIAL WORKER;
- 20 4. LICENSED CLINICAL PROFESSIONAL COUNSELOR;
- 21 5. CLINICAL NURSE SPECIALIST IN PSYCHIATRIC AND
22 MENTAL HEALTH NURSING (APRN/PMH); OR
- 23 6. PSYCHIATRIC NURSE PRACTITIONER (CRNP-PMH).

24 (2) "Mental disorder" does not include mental retardation.

25 (f) "Peace officer" means a sheriff, a deputy sheriff, a State police officer, a
26 county police officer, a municipal or other local police officer, or a Secret Service agent
27 who is a sworn special agent of the United States Secret Service or Treasury
28 Department authorized to exercise powers delegated under 18 U.S.C. § 3056.

29 10-622.

30 (a) A petition for emergency evaluation of an individual may be made under
31 this section only if the petitioner has reason to believe that the individual:

- 32 (1) Has a mental disorder; and
- 33 (2) The individual presents a danger to the life or safety of the individual
34 or of others.

1 (b) (1) The petition for emergency evaluation of an individual may be made
2 by:

3 (i) A physician, a psychologist, a clinical social worker, a licensed
4 clinical professional counselor, CLINICAL NURSE SPECIALIST IN PSYCHIATRIC AND
5 MENTAL HEALTH NURSING, PSYCHIATRIC NURSE PRACTITIONER, or a health officer
6 or designee of a health officer who has examined the individual;

7 (ii) A peace officer who personally has observed the individual or
8 the individual's behavior; or

9 (iii) Any other interested person.

10 (2) An individual who makes a petition for emergency evaluation under
11 paragraph (1)(i) or (ii) of this subsection may base the petition on:

12 (i) The examination or observation; or

13 (ii) Other information obtained that is pertinent to the factors
14 giving rise to the petition.

15 (c) (1) A petition under this section shall:

16 (i) Be signed and verified by the petitioner;

17 (ii) State the petitioner's:

18 1. Name;

19 2. Address; and

20 3. Home and work telephone numbers;

21 (iii) State the emergency evaluatee's:

22 1. Name; and

23 2. Description;

24 (iv) State the following information, if available:

25 1. The address of the emergency evaluatee; and

26 2. The name and address of the spouse or a child, parent, or
27 other relative of the emergency evaluatee or any other individual who is interested in
28 the emergency evaluatee;

29 (V) IF THE INDIVIDUAL WHO MAKES THE PETITION FOR
30 EMERGENCY EVALUATION IS AN INDIVIDUAL AUTHORIZED TO DO SO UNDER
31 SUBSECTION (B)(1)(I) OF THIS SECTION, CONTAIN THE LICENSE NUMBER OF THE
32 INDIVIDUAL;

1 (↔) (VI) Contain a description of the behavior and statements of
2 the emergency evaluatee or any other information that led the petitioner to believe that
3 the emergency evaluatee has a mental disorder and that the individual presents a
4 danger to the life or safety of the individual or of others; and

5 (↔) (VII) Contain any other facts that support the need for an
6 emergency evaluation.

7 (2) The petition form shall contain a notice that the petitioner:

8 (i) May be required to appear before a court; and

9 (ii) Makes the statements under penalties of perjury.

10 (d) (1) A petitioner who is a physician, psychologist, clinical social worker,
11 licensed clinical professional counselor, CLINICAL NURSE SPECIALIST IN
12 PSYCHIATRIC AND MENTAL HEALTH NURSING, PSYCHIATRIC NURSE PRACTITIONER,
13 health officer, or designee of a health officer shall give the petition to a peace officer.

14 (2) The peace officer shall explain to the petitioner:

15 (i) The serious nature of the petition; and

16 (ii) The meaning and content of the petition.

17 10-623.

18 (a) If the petitioner under Part IV of this subtitle is not a physician, a
19 psychologist, a clinical social worker, a licensed clinical professional counselor,
20 CLINICAL NURSE SPECIALIST IN PSYCHIATRIC AND MENTAL HEALTH NURSING,
21 PSYCHIATRIC NURSE PRACTITIONER, a health officer or designee of a health officer,
22 or a peace officer, the petitioner shall present the petition to the court for immediate
23 review.

24 (b) After review of the petition, the court shall endorse the petition if the court
25 finds probable cause to believe that the emergency evaluatee has shown the symptoms
26 of a mental disorder and that the individual presents a danger to the life or safety of
27 the individual or of others.

28 (c) If the court does not find probable cause, the court shall indicate that fact
29 on the petition, and no further action may be taken under the petition.

30 10-624.

31 (a) (1) A peace officer shall take an emergency evaluatee to the nearest
32 emergency facility if the peace officer has a petition under Part IV of this subtitle
33 that:

34 (i) Has been endorsed by a court within the last 5 days; or

1 (ii) Is signed and submitted by a physician, a psychologist, a clinical
2 social worker, a licensed clinical professional counselor, CLINICAL NURSE SPECIALIST
3 IN PSYCHIATRIC AND MENTAL HEALTH NURSING, PSYCHIATRIC NURSE
4 PRACTITIONER, a health officer or designee of a health officer, or a peace officer.

5 (2) After a peace officer takes the emergency evaluatee to an emergency
6 facility, the peace officer need not stay unless, because the emergency evaluatee is
7 violent, a physician asks the supervisor of the peace officer to have the peace officer
8 stay.

9 (3) A peace officer shall stay until the supervisor responds to the request
10 for assistance. If the emergency evaluatee is violent, the supervisor shall allow the
11 peace officer to stay.

12 (4) If a physician asks that a peace officer stay, a physician shall
13 examine the emergency evaluatee as promptly as possible.

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
15 October 1, 2004.